

Montana Department of Natural Resources and Conservation
Water Resources Division
Water Rights Bureau

ENVIRONMENTAL ASSESSMENT
For Routine Actions with Limited Environmental Impact

Part I. Proposed Action Description

1. *Applicant/Contact name and address:* ROBERT AND JOSHUA ANDERSON
PO BOX 376
FRENCHTOWN, MT 598034
2. *Type of action:* WATER USE PERMIT APPLICATION 76M-30044226
3. *Water source name:* GROUNDWATER
4. *Location affected by project:* SW SECTION 27 AND NW SECTION 34, T15N, R21W,
MISSOULA CO.
5. *Narrative summary of the proposed project, purpose, action to be taken, and benefits:*
THE APPLICANTS ARE REQUESTING A WATER RIGHT PERMIT TO APPROPRIATE GROUNDWATER FROM TWO MANIFOLD WELLS AT A MAXIMUM COMBINED RATE OF 75 GPM AND USE A TOTAL VOLUME OF 29.1 ACRE-FEET EACH YEAR BETWEEN JANUARY 1 AND DECEMBER 31. THIS PROPOSED APPROPRIATION INCLUDES YEAR-ROUND MULTIPLE DOMESTIC AND COMMERCIAL USE. THE PROPOSED DIVERSIONS ARE LOCATED IN SECTION 34, TOWNSHIP 15 NORTH AND RANGE 21 WEST, MISSOULA COUNTY. THE PLACE OF USE IS LOCATED WEST OF FRENCHTOWN. THE PROPOSED PLACE OF USE WILL INCLUDE THE PROPOSED RED DOG RANCH SUBDIVISION, LOCATED IN SECTIONS 27 AND 34, TOWNSHIP 15 NORTH AND RANGE 21 WEST.

IMPACTS CONSIDERED IN THIS DOCUMENT ARE LIMITED TO THOSE RELATED TO THE USE OF GROUNDWATER FOR THE PROPOSED 92-LOT RED DOG RANCH SUBDIVISION. AN ENVIRONMENTAL ASSESSMENT RELATED TO THE PROPOSED SUBDIVISION HAS BEEN COMPLETED BY THE APPLICANT AND IS ON FILE WITH THE MISSOULA CITY/ COUNTY PLANNING OFFICE. A COPY OF THIS ENVIRONMENTAL ASSESSMENT IS IN THE WATER RIGHT APPLICATION FILE.

THE DNRC SHALL ISSUE A WATER USE PERMIT IF AN APPLICANT PROVES THE CRITERIA IN 85-2-311, MCA ARE MET.

6. *Agencies consulted during preparation of the Environmental Assessment:
(include agencies with overlapping jurisdiction)*

NRIS WEBSITE FOR WATER AND NOXIOUS WEED INFORMATION
MONTANA NATURAL HERITAGE PROGRAM FOR THREATENED AND ENDANGERED
PLANT AND ANIMAL INFORMATION
STATE OF MONTANA HISTORICAL PRESERVATION OFFICE FOR CULTURAL
INFORMATION

Part II. Environmental Review

1. Environmental Impact Checklist:

PHYSICAL ENVIRONMENT

WATER QUANTITY, QUALITY AND DISTRIBUTION

Water quantity - *Assess whether the source of supply is identified as a chronically or periodically dewatered stream by DFWP. Assess whether the proposed use will worsen the already dewatered condition.*

Determination: NO SIGNIFICANT IMPACTS.

SEE GROUNDWATER SECTION BELOW.

Water quality - *Assess whether the stream is listed as water quality impaired or threatened by DEQ, and whether the proposed project will affect water quality.*

Determination: NO SIGNIFICANT IMPACTS.

SEE GROUNDWATER SECTION BELOW.

Groundwater - *Assess if the proposed project impacts ground water quality or supply. If this is a groundwater appropriation, assess if it could impact adjacent surface water flows.*

Determination: NO SIGNIFICANT IMPACTS.

THE PROPOSED APPLICATION IS REQUESTING TO USE GROUNDWATER FROM TWO WELLS TO MEET THE DOMESTIC AND COMMERCIAL NEEDS OF THE PROPOSED RED DOG RANCH SUBDIVISION. THE PROPOSED PLACE OF USE IS OWNED BY THE APPLICANT. THE TWO WELLS WILL DIVERT UP TO A MAXIMUM COMBINED RATE OF 75 GPM. THE TOTAL VOLUME REQUESTED FOR THE PROPOSED PROJECT IS 29.1 ACRE-FEET.

THE APPLICANT HAS COMPLETED AN AQUIFER TEST REPORT THAT DESCRIBES THE EXTENT OF THE AQUIFER FROM WHICH THE WATER SUPPLY WILL BE DIVERTED AND WHAT IMPACTS NEARBY WELLS WOULD EXPECT IF THE WATER

USE PERMIT IS APPROVED. DRAWDOWN CONTOURS WERE PLOTTED AND MAPPED. DNRC WATER RESOURCES WATER MANAGEMENT HYDROGEOLOGISTS HAVE REVIEWED THE APPLICANT'S AQUIFER REPORT AND ANALYSIS OF POTENTIAL IMPACTS TO BOTH SURFACE AND GROUND WATER RIGHTS. PUBLIC NOTICE OF THE PROPOSED WATER USE APPLICATION WILL BE PROVIDED TO ALL RECORD GROUNDWATER WATER RIGHTS WITHIN THE IDENTIFIED ZONE OF INFLUENCE. ACCORDING TO INFORMATION AND ANALYSIS PROVIDED IN THE APPLICANT'S AQUIFER TEST REPORT, THERE WOULD BE SOME DEPLETION TO NEARBY SURFACE WATER AS A RESULT OF THE PROPOSED GROUNDWATER USAGE. THE APPLICANT HAS ACKNOWLEDGED THE NEED TO MITIGATE ADVERSE IMPACTS FOR ANY SURFACE WATER DEPLETIONS AND HAS PRESENTED A PLAN TO MITIGATE THESE IMPACTS TO SURFACE WATER..

DIVERSION WORKS - *Assess whether the means of diversion, construction and operation of the appropriation works of the proposed project will impact any of the following: channel impacts, flow modifications, barriers, riparian areas, dams, well construction.*

Determination: NO SIGNIFICANT IMPACTS.

THE TWO SUPPLY WELLS ARE CONSTRUCTED BY JEROME DRILLING CO., A LICENSED WELL DRILLER IN THE STATE OF MONTANA. PWS-1 IS AN 8-INCH STEEL CASED WELL DRILLED TO A DEPTH OF 412 FEET. THE STATIC WATER LEVEL RECORDED IN PWS-1 IS 205.15 FEET. PWS-2 IS A 12-INCH STEEL CASED WELL DRILLED TO A DEPTH OF 527 FEET. THE STATIC WATER LEVEL RECORDED IN PWS-2 WAS MEASURED AT 202.85 FEET.

THE WATER SUPPLY SYSTEM WILL INCLUDE THE TWO WELLS AND AN ABOVE GROUND STORAGE TANK. THIS SYSTEM DESIGN HAS BEEN APPROVED BY DEQ LETTER DATED OCTOBER 26, 2006.

UNIQUE, ENDANGERED, FRAGILE OR LIMITED ENVIRONMENTAL RESOURCES

Endangered and threatened species - *Assess whether the proposed project will impact any threatened or endangered fish, wildlife, plants or aquatic species or any "species of special concern," or create a barrier to the migration or movement of fish or wildlife. For groundwater, assess whether the proposed project, including impacts on adjacent surface flows, would impact any threatened or endangered species or "species of special concern."*

Determination: NO SIGNIFICANT IMPACTS.

INFORMATION PROVIDED TO THE DEPARTMENT BY THE MONTANA NATURAL HERITAGE PROGRAM INDICATES THE PRESENCE OF THE FOLLOWING SPECIES IN THE VICINITY OF THE PROPOSED DEVELOPMENT:

THE MONTANA NATURAL HERITAGE PROGRAM FILE SEARCH CONDUCTED FOR THIS PROJECT PROPOSAL INDICATED SEVERAL PLANT AND ANIMAL SPECIES OF CONCERN OCCUR IN THE VICINITY OF THE PROPOSED PROJECT.

THE VERTEBRATE ANIMALS WESTERN SKINK, GRAY WOLF, BALD EAGLE, WESTSLOPE CUTTHROAT TROUT, BULL TROUT, FISHER, WOLVERINE AND CANAD LYNX ARE IDENTIFIED IN THE VICINITY OF THE PROPOSED PROJECT.

VASCULAR PLANT: COLUMBIA WATER-MEAL

Wetlands - Consult and assess whether the apparent wetland is a functional wetland (according to COE definitions), and whether the wetland resource would be impacted.

Determination: NO SIGNIFICANT IMPACTS.

THERE ARE NO WETLANDS IDENTIFIED IN THE VICINITY OF THE PROPOSED PROJECT.

Ponds - For ponds, consult and assess whether existing wildlife, waterfowl, or fisheries resources would be impacted.

Determination: NO SIGNIFICANT IMPACTS.

THERE ARE NO PONDS IDENTIFIED IN THE VICINITY OF THE PROPOSED PROJECT.

GEOLOGY/SOIL QUALITY, STABILITY AND MOISTURE - Assess whether there will be degradation of soil quality, alteration of soil stability, or moisture content. Assess whether the soils are heavy in salts that could cause saline seep.

Determination: NO SIGNIFICANT IMPACTS.

THE PROPOSED RED DOG RANCH SUBDIVISION IS A PROPOSAL FOR PHASED DEVELOPMENT OF 92 DOMESTIC CONNECTIONS. THE PROPOSED PROJECT IS NOT EXPECTED TO DEGRADE THE SOILS IN THE AFFECTED AREA.

VEGETATION COVER, QUANTITY AND QUALITY/NOXIOUS WEEDS - Assess impacts to existing vegetative cover. Assess whether the proposed project would result in the establishment or spread of noxious weeds.

Determination: NO SIGNIFICANT IMPACTS.

THE PROPOSED RED DOG RANCH SUBDIVISION WILL CONSIST OF 92 LOTS. THE EXISTING LAND USE IS OPEN UN-DEVELOPED PARCEL THAT IS SUSCEPTIBLE TO WEED PROPAGATION. THE PROPOSED SUBDIVISION WOULD BE EXPECTED TO REDUCE WEEDS IN THE AREA.

AIR QUALITY - Assess whether there will be a deterioration of air quality or adverse effects on vegetation due to increased air pollutants.

Determination: NO SIGNIFICANT IMPACTS.

THE PROPOSED WATER USE IS NOT EXPECTED TO AFFECT AIR QUALITY.

HISTORICAL AND ARCHEOLOGICAL SITES - Assess whether there will be degradation of unique archeological or historical sites in the vicinity of the proposed project.

Determination: NO SIGNIFICANT IMPACTS.

THE STATE HISTORICAL PRESERVATION OFFICE RECOMMENDS THAT DUE TO THE GROUND DISTURBANCE THAT HAS ALREADY OCCURRED, NO CULTURAL INVENTORY IS WARRANTED.

DEMANDS ON ENVIRONMENTAL RESOURCES OF LAND, WATER, AND ENERGY - Assess any other impacts on environmental resources of land, water and energy not already addressed.

Determination: NO SIGNIFICANT IMPACTS.

HUMAN ENVIRONMENT

LOCALLY ADOPTED ENVIRONMENTAL PLANS AND GOALS - Assess whether the proposed project is inconsistent with any locally adopted environmental plans and goals.

Determination: NO SIGNIFICANT IMPACTS.

THE APPLICANT'S PROPOSED RED DOG RANCH SUBDIVISION IS UNDER REVIEW BY THE MISSOULA CITY/COUNTY PLANNING.

ACCESS TO AND QUALITY OF RECREATIONAL AND WILDERNESS ACTIVITIES - Assess whether the proposed project will impact access to or the quality of recreational and wilderness activities.

Determination: NO IMPACTS.

THIS PROPOSED PROJECT WOULD NOT IMPAIR ACCESS TO OR THE QUALITY OF RECREATION OR WILDERNESS ACTIVITIES.

HUMAN HEALTH - Assess whether the proposed project impacts on human health.

Determination: NO SIGNIFICANT IMPACTS.

PRIVATE PROPERTY - Assess whether there are any government regulatory impacts on private property rights.

Yes___ No X___ If yes, analyze any alternatives considered that could reduce, minimize, or eliminate the regulation of private property rights.

Determination:

OTHER HUMAN ENVIRONMENTAL ISSUES - For routine actions of limited environmental impact, the following may be addressed in a checklist fashion.

Impacts on:

- | | |
|---|-------|
| (a) <u>Cultural uniqueness and diversity?</u> | NONE |
| (b) <u>Local and state tax base and tax revenues?</u> | MINOR |
| (c) <u>Existing land uses?</u> | MINOR |
| (d) <u>Quantity and distribution of employment?</u> | NONE |
| (e) <u>Distribution and density of population and housing?</u> | MINOR |
| (f) <u>Demands for government services?</u> | MINOR |
| (g) <u>Industrial and commercial activity?</u> | MINOR |
| (h) <u>Utilities?</u> | MINOR |
| (i) <u>Transportation?</u> | MINOR |
| (j) <u>Safety?</u> | NONE |
| (k) <u>Other appropriate social and economic circumstances?</u> | NONE |

2. *Secondary and cumulative impacts on the physical environment and human population:*

Secondary Impacts NONE IDENTIFIED IN THIS EA

Cumulative Impacts NONE IDENTIFIED IN THIS EA

3. *Describe any mitigation/stipulation measures:* THERE ARE NO MITIGATION/STIPULATION MEASURES IDENTIFIED FOR THE PROPOSED ACTION.

4. *Description and analysis of reasonable alternatives to the proposed action, including the no action alternative, if an alternative is reasonably available and prudent to consider:* THE NO ACTION ALTERNATIVE IS THE ONLY ALTERNATIVE TO THE PROPOSED ACTION. UNDER THE NO ACTION ALTERNATIVE, THE APPLICANT WOULD BE UNABLE TO OBTAIN A WATER USE PERMIT FOR THE COMMUNITY WATER NEEDS OF THE PROPOSED RED DOG RANCH SUBDIVISION.

PART III. Conclusion

1. Preferred Alternative

2 Comments and Responses

3. Finding:

Based on the significance criteria evaluated in this EA, is an EIS required?

Yes___ No_**X**__

If an EIS is not required, explain why the EA is the appropriate level of analysis for this proposed action: AN EA IS THE APPROPRIATE LEVEL OF ANALYSIS FOR THIS PROPOSED ACTION BECAUSE NO SIGNIFICANT IMPACTS HAVE BEEN IDENTIFIED AS A RESULT OF THE PROPOSED ACTION.

Name of person(s) responsible for preparation of EA:

Name: PATRICK RYAN

Title: WATER RESOURCE SPECIALIST

Date: MARCH 25, 2009